



June 9, 2006

## **Amendments to H.R. 5522, the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2007**

### **Part III**

The following contains information on all amendments made in order under the UC Agreement

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### **Amendments Made in Order Under the UC Agreement**

**McGovern (D-MA).** Transfers \$30 million from the Andean Counterdrug Initiative (ACI) to the U.S. Emergency Refugee and Migration Assistance (ERMA) Fund. The transfer would bring the funding level for ERMA to \$60 million, \$5 million more than the President's request.

The ACI supports a unified campaign against narcotics trafficking, among other counterdrug initiatives. According to the sponsor, ERMA is a fund the President can draw upon to respond to refugee and migration emergencies. The sponsor listed several foreign events that the fund has been used for, including food for refugees in Kenya, repatriation of Burundi refugees, money to the International Committee of the Red Cross (ICRC) for food for Somali refugees, and the earthquake in Pakistan.

Rep. McGovern offered a similar amendment last year. At the time, Rep. Souder opposed the amendment, stating "the Andean Counterdrug Initiative (ACI) continues to achieve the objectives for which it was designed. After years of steady increases, cocaine production in the Andes is, for the third straight year, decreasing. An aggressive program of eradication, begun in earnest with the election in mid-2002 of Colombian President Alvaro Uribe, has cut Colombia's potential cocaine production by one-third compared with the year before he took office. With Colombia producing one-third less cocaine than it was just two years earlier, there simply is less to go around." Last year's roll call vote can be viewed here: <http://clerk.house.gov/evs/2005/roll329.xml>.

**McGovern (D-MA).** Provides that none of the funds may be used for programs at the Western Hemisphere Institute for Security Cooperation (WHINSEC) at Fort Benning, Georgia. According to the sponsor's office, WHINSEC is the successor to the School of the Americas. According to The School of the Americas' website, the school was intended to achieve the United States' strategic goals for Latin America and the Caribbean, including developing stable free market democracies and cooperative security in the region. The school students and graduates have been criticized as having a poor record on human rights. WHINSEC's mission is, in part, to promote "democratic values, respect for human rights, and knowledge and understanding of United States customs and traditions." More information on WHINSEC can be found at <https://www.infantry.army.mil/whinsec/>.

**Ginny Brown-Waite (R-FL).** According to the sponsor's office, this amendment will not be offered. It would eliminate funding (from \$10.8 million to \$0) for USAID's International Fund for Ireland.

**Ginny Brown-Waite (R-FL).** Limits the funds available for assistance to Mexico under the International Narcotics Control and Law Enforcement (under Department of State funding), to no more than \$39 million.

**Brown (D-OH).** Increases by \$20 million (from \$287.59 million to \$307.59 million), funds for infectious disease prevention funding under the Child Survival and Health Programs and decreases by \$20 million (from \$115.25 million to \$95.25 million) funds for the Asian Development Fund. According to the sponsor's office, this additional funding is to be used for global tuberculosis control.

**Waters (D-CA).** The amendment is intended to increase funding for health care and development in Haiti by \$20 million because \$20 million was removed for Haiti from the Fiscal Year 2006 Emergency Appropriations Act in conference. The amounts are available if they are designated as an emergency requirement, thereby circumventing budget caps and subjecting the amendment to a point of order. If the amendment is ruled out of order, an amendment with offsets will be offered.

**Waters (D-CA).** According to the sponsor's office, the amendment is intended to increase funding for health care and development in Haiti by \$20 million, because \$20 million was removed for Haiti from the Fiscal Year 2006 Emergency Appropriations Act in conference. Specifically, amendment makes the following increases and decreases:

- decreases funding for Export-Import Bank Administrative Expenses by \$2 million (from \$75.234 million to \$73.234 million);
- decreases funding for Overseas Private Investment Corporation (OPIC) non-credit account by \$4 million (from \$45.453 million to \$41.453);
- decreases by \$2 million funding for Military Assistance Funds appropriated to the President for International Military Education and Training (from \$88 million to \$86 million);

- decreases by \$12 million the funding for Foreign Military Financing Programs (from \$4.455 million to \$4.443 million);
- **decreases the funding for additional aircraft for the Colombian Navy's maritime surveillance mission by \$6 million** (from \$90 million to \$84 million);
- increases the funding for the U.S. Agency for International Development Child Survival and Health Programs Fund by \$2.5 million (from \$1.566 billion to \$1.568 billion); and
- increases the funding for the Economic Support Fund by \$17.5 million (from \$2.650 billion to \$2.668 billion).

**Hooley (D-OR).** Increases, then decreases, the amount for International Narcotics Control and Law Enforcement by \$10 million in an attempt to earmark the funds for counter-methamphetamine efforts in Mexico. According to the sponsor, since the States have restricted sales of pseudoephedrine, the methamphetamine in this country now comes from Mexico.

**Berkley (D-NV).** The sponsor's office indicated that Rep. Berkley was going to offer three amendments, striking certain sections of the bill. However, according to the sponsor's office, these amendments will not be offered.

**McHenry (R-NC).** The underlying bill prohibits the Secretary of State to provide assistance to the government of any country that has notified the State Department of its refusal to extradite to the U.S. any individual indicted for killing a law enforcement officer, but provides an exception if the Secretary of State certifies that this funding restriction is contrary to the national interest of the U.S. The McHenry amendment would strike this exception, so the Department of State would be prohibited from providing assistance to any country that refused a U.S. extradition request, regardless of national interest concerns. See below for the section in question and the text that would be removed by the amendment:

SEC. 581. None of the funds made available in this Act for the Department of State may be used to provide assistance to the central government of a country which has notified the Department of State of its refusal to extradite to the United States any individual indicted in the United States for killing a law enforcement officer, as specified in a United States extradition request, ~~unless the Secretary of State certifies to the Committees on Appropriations in writing that the application of the restriction to a country or countries is contrary to the national interest of the United States.~~

This amendment passed last year by a vote of 327-98 (Roll no. 330: <http://clerk.house.gov/evs/2005/roll330.xml>; offered by Rep. Beauprez). According to the sponsor's office, this amendment would return Section 581 to its original intent, prohibiting foreign assistance funds from being provided to countries that refuse to extradite (to the U.S.) individuals accused of killing a law enforcement officer.

**Deal (R-GA).** Prohibits funds available for the Department of State from being used to provide assistance to any government of a country (with which the U.S. has an extradition treaty) that refuses to extradite any individual to the U.S. (or has not

responded to an extradition request) that has been charged with a crime that may carry a penalty of life imprisonment. The amendment excludes from the prohibition funds provided under “International Narcotics Control and Law Enforcement” (INCLE).

The underlying bill text allows the Secretary of State to waive the extradition provision. According to the sponsor’s office, last year the Secretary granted a blanket waiver for all countries (instead of considering a waiver on case-by-case basis, as the language seems to suggest). Thus, the Secretary allowed U.S. financial assistance to any country, even though governments refused to extradite an individual to the U.S. that has been charged with a crime.

**Terry (R-NE).** Prohibits funds from being used in contravention of current law regarding trafficking in counterfeit goods or services, specifically this provision:

Whoever intentionally traffics or attempts to traffic in goods or services and knowingly uses a counterfeit mark on or in connection with such goods or services shall, if an individual, be fined not more than \$2,000,000 or imprisoned not more than 10 years, or both, and, if a person other than an individual, be fined not more than \$5,000,000. In the case of an offense by a person under this section that occurs after that person is convicted of another offense under this section, the person convicted, if an individual, shall be fined not more than \$5,000,000 or imprisoned not more than 20 years, or both, and if other than an individual, shall be fined not more than \$15,000,000. (18 U.S.C. 2320(a))

According to the amendment sponsor, the U.S. Agency for International Development (USAID) has been providing U.S. tax dollars, through contractors or other entities, that are not the legal holder of the trademark or service mark of the Gallup polling organization. USAID, through these contractors, has then been importing this counterfeit material back into the United States, in violation of the law cited above.

**Weiner (D-NY)/ Burton (R-IN).** Prohibits funds from being obligated or expended to finance any assistance to Saudi Arabia. The amendment sponsors write that, “the Saudis have not been a true ally in the war on terror. They have stymied our terror investigations, provided financial support to terrorists, and bankrolled fanatical Wahhabism.” Last year, this amendment passed 293-132:

<http://clerk.house.gov/evs/2005/roll331.xml>.

**King (R-IA).** Provides that none of the funds under the heading “Economic Support Fund” may be used to provide assistance for Mexico. An estimated \$9 million would be spent in economic assistance to Mexico under the President’s budget request. The sponsor cites several reasons for limiting funds to Mexico, including: rampant corruption in all branches of government, the Mexican government’s inaction on reform, government encouragement of its citizens to illegally migrate to the U.S., a poor record on human rights, and the drug traffic from Mexico to the U.S.

**Musgrave (R-CO).** Prohibits funds from being used to provide assistance to any country identified by the Agriculture Department as a country that prohibits the importation of U.S. beef from animals less than 30 months of age. The sponsor's office notes that this amendment is aimed primarily at the beef importation restrictions of Japan, China, and South Korea, which have reportedly resulted in billions of dollars in lost business for the United States—and Colorado specifically. *This amendment, because it is subject to a point of order, will likely be offered, discussed, and withdrawn.*

**Kucinich (D-OH).** Provides that none of the funds made available in this Act under the heading "Millennium Challenge Corporation" may be used to implement the Northern Zone Investment Plan in El Salvador with respect to the Northern Transnational Highway. According to a Dear Colleague, the amendment "will prohibit Millennium Challenge Corporation funds from being used to construct the Northern Transnational Highway in El Salvador, which is part of the Northern Zone Investment Plan." The sponsor's office explains, "The proposed Northern Transnational Highway in El Salvador is costly, and MCC funding will not be enough to fund the whole project. El Salvador will have to get loans from the World Bank and the Inter-American Development Bank to finance the rest of the project, which will result in more unmanageable debts for El Salvador, which will impact the whole country, but especially El Salvador's poorest. I am not opposed to building roads in the northern region and consider road building a necessary component of development assistance. However, road construction in the northern region could involve smaller village-to-market access roads, instead of a huge transnational highway. US development assistance should not be used to subsidize the cost of gold mining for international mining companies."

**Poe (R-TX).** Makes a \$597 million across-the-board reduction in the bill's appropriations (which amounts to a 2.8% reduction). The amendment sponsor notes that such reduction would bring the bill down to last year's funding levels. The sponsor writes, "With a national debt of \$8.4 trillion, drastically rising entitlement spending, and the enormous costs associated with recovery from Hurricanes Katrina, Rita and Wilma, Congress must take proactive measures to offset growing expenditures. We cannot continue to ask the taxpayers to shoulder these burdens without making an honest effort to reduce spending in other areas."

**Poe (R-TX).** Prohibits funds from being used to provide assistance to any country the government of which does not accept the transfer from the United States of citizens or nationals of such country who have been issued a final removal order by U.S. Immigration and Customs Enforcement. The sponsor's office quoted an April 2006 Homeland Security Inspector General report that said, "Immigration and Customs Enforcement's Detention and Removal Office's inability to remove illegal aliens with final orders of removal is impacted in part by the practice of some countries to block or inhibit the repatriation of its citizens. This has created an unofficial 'mini-amnesty' program for criminal and other high-risk aliens."

***Sanders (I-VT)/ Hinchey (D-NY).*** Prohibits funds from being used by the Export-Import Bank of the United States to approve an application for a long-term loan or loan guarantee with respect to an oil and gas field development project. According to the sponsors, “Oil companies like Exxon-Mobil are making the largest profits in the history of the world at the same time that American consumers are paying \$3 or more for a gallon of gas. These companies do not need or deserve corporate welfare from the Export-Import Bank to develop oil and gas fields overseas. But, that is exactly what is happening today.”

***Jackson-Lee (D-TX).*** The sponsor’s office has not provided the text of the amendment. Reportedly, the amendment limits International Military Education and Training (IMET) funding for Chad.

***Jackson-Lee (D-TX).*** Prohibits funds to be used to aid any foreign government that uses religious law to punish rape victims. The sponsor’s office cites a Pakistani case, that would have been tried under the zina provisions of the Hudood Ordinances, in which a rape victim was pressured to leave the country or be killed. The sponsor lists several countries whose laws are heavily influenced by Islamic law, including Nigeria, Libya, Afghanistan, Saudi Arabia, Sudan, and Turkey.

***Jackson-Lee (D-TX).*** Prohibits funds under the heading “International Military Education and Training” (IMET) to be used to provide training to children under 18 years old in military exercises or military combat initiatives.

IMET provide funds for education and training of foreign military and civilian personnel (under certain conditions). IMET grants are given to foreign governments, which choose the courses their personnel will attend. According to the sponsor’s office, many foreign governments still allow children under the age of 18 in military exercises and combat situations, though this is contrary to U.S. policy and U.N. protocol.

***Jackson-Lee (D-TX).*** Provides that none of the funds made available in the Act may be used for activities that eliminate security protection for elected officials, particularly female elected officials, of foreign governments. According to the sponsor’s office, “This morning, NATO announced that its military alliance has pledged to nearly double its peace-keeping force in Afghanistan, from 9,000 troops to 17,000. Security is a top priority. Because of rising militant Islam, and the pressures and instability of daily life, women in Iraq and Afghanistan have difficulty asserting independence of any kind, let alone participating in the formation of a new government state. This amendment preserves the ability to provide security protection to elected officials, particularly female elected officials, of foreign governments.”

***Deal (R-GA).*** The underlying bill prohibits the Secretary of State from providing assistance to a government of any country that has refused to extradite to the U.S. any individual indicted for a crime which may carry a maximum penalty of life imprisonment (except for INCLE funds; see previous Deal amendment), but provides an exception if the Secretary of State certifies that this funding restriction is contrary to the national

interest of the U.S. This amendment would make two changes: 1) changes “indicted for” to “charged with” and 2) strike the exception, so the State Department would be prohibited from providing assistance to any country that refused a U.S. extradition request, regardless of national interest concerns. Below is the modified bill text based on the amendment, with new text in bold and removed text struck through:

None of the funds made available in this Act for the Department of State, other than funds provided under the heading “International Narcotics Control and Law Enforcement”, may be used to provide assistance to the central government of a country with which the United States has an extradition treaty and which government has notified the Department of State of its refusal to extradite to the United States any individual ~~indicted for~~ **charged with** a criminal offense for which the maximum penalty is life imprisonment without the possibility of parole, ~~unless the Secretary of State certifies to the Committees on Appropriations in writing that the application of this restriction to a country or countries is contrary to the national interest of the United States.~~

Last year, this amendment was approved by a vote of 294-132:  
<http://clerk.house.gov/evs/2005/roll333.xml>.

**Culberson (R-TX).** Prohibits fund in this act from being used to provide assistance to Mexico. The bill currently provides \$40 million for Mexico under the International Narcotics Control and Law Enforcement account, which this amendment would restrict.

According to the sponsor’s office, the Mexican government has “denied the repeated border incursions of its military and paramilitary units in support of drug cartel operations” and “regularly interferes in U.S. domestic policy by criticizing America’s right to protect its sovereign borders.”

**Hefley (R-CO).** Reduces funding in the Act by \$213 million. This amount is equal to one percent of the total amount of discretionary funding in the bill.

**Green (D-TX).** According to the sponsor’s office, Rep. Green is not offering an amendment and this was a mistake. In addition, according to the text of the UC Agreement, a Rep. Green amendment was included in the agreement.

**Kolbe (R-AZ).** This amendment may be offered by Rep. Kolbe at the end of consideration of the Foreign Operations Appropriations Bill, if the bill comes in under or over budget, in order to adjust the overall appropriation level. If the amendment is offered, RSC staff will email out a summary as soon as possible.

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